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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,733	07/25/2003	Kenichi Fujita	1713.1005	9687

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WASHINGTON, DC 20005

EXAMINER
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DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,733	<b>Applicant(s)</b> FUJITA ET AL.	
	<b>Examiner</b> Duy M. Dang	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I invention in the reply filed on February 9, 2007 is acknowledged.

In reply to Applicant's remarks set forth at page 8 with regard to claims 20 and 22, it is noted that claim 20 was considered in the restriction. There was a typographical error by not including claim 22 in Group I invention. For clarification, claim 22 should be included in Group I invention and the examination on the merit for claim 22 is being presented in this Office action. Since claim 22 was already withdrawn in the reply filed on February 9, 2007, applicant is advised to add new claim including all features currently recited in claim 22 when response to this communication.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In this case, claims 19-20 recite "a program product" which is not encoded/stored/recorded on a computer readable medium. Thus, claims 19-20 fail to meet the requirement of section 35 USC 101. See MPEP 2106.1 (8<sup>th</sup> Edition, Rev. 5, August 2006).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8-17, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dambrackas (US Application Publication No.2005/0069034 A1, referred as Dambrackas hereinafter) in view of Kilkki et al. (US Application Publication No. 2004/0264377 A1, referred as Kilkki hereinafter)).

Regarding claim 1 as a representative claim, Dambrackas teaches a switching device that selectively switches connections to a predetermined terminal among a plurality of terminals connected to computers, and can be remote-controlled over a network, the switching device (i.e., the switching device denoted at “KVM/IP system 10” of figure 1 and item 14 of figure 17) comprising: a network interface circuit to be connected to the network (i.e., IP network 13 of figures 1 and 17; and an image processing unit that includes an image compression circuit for compressing image signals outputted from the computers (see paragraph [0038]. This paragraph describes that compression can be either included on the application server 14 of server 15).

Dambrackas fails to teach “a controller that changes a compression method or compression rate to be used at the image compression circuit, in accordance with a congestion level of the network”. However Kilkki teaches these claimed features at figures 1-2 and paragraph [0012]. This particular cited portion of Kilkki refers to the controlling network congestion based on the compression method, quality-based operation mode, quantity-based operation mode which meet claimed features. Kilkki suggests to do so in order to reduce or avoid network congestion, optimize network performance at the time of congestion at paragraphs [003] and [0005].

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features as taught by Kilkki in combination with Dambrackas for that reasons.

Likewise, claims 8-9, 12-13, 15-17, 19-20, and 22 are also rejected for the same reasons as set forth in claim 1 above.

Regarding claim 2, Kilkki teaches packet filtering circuit that adds up a packet data amount received through the network interface circuit (see summation sign shown in figure 1 and paragraph [0028] in column 2. Note the summation in Kilkki functions as the so called “package filter circuit” because it adds up a package data amount received through the network interface which provides connection between the users 1-n and network..

Regarding claim 3, Dambrackas teaches a plurality of image processing units and a plurality of remote-control computers that can be connected to the network, the number of the image processing units being the same as the number of remote-control computers (see figures 1 and 17).

Regarding claims 4, and 11, the rejection applied to claim 1 above is incorporated herein.

Regarding claims 10 and 14, the quality based operation mode and quantity based operation mode shown at figure 2 and paragraph [0012] of Kilkki refer to the claimed features.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd

4/07



**DUY M. DANG**  
**PRIMARY EXAMINER**